



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of :  
Michele Nathaniel :  
Serial No. 10/685,357 : Group Art Unit: 3732  
Filed: October 14, 2003 : Examiner: Robyn Doan  
For: HAIR CLIP ASSEMBLY :

**DECLARATION UNDER 37 C.F.R. 1.131**

I, Michele Nathaniel, do hereby declare and say that:

1. I am the first and sole inventor of the Hair Clip Assembly (herein "the invention") which is the subject of application Serial No. 10/685,357, filed on October 14, 2003.
2. I initially conceived the invention in June of 2002 and reduced it to a writing on June 27, 2002. See handwritten notes, attached as Exhibit 1.
3. On July 22, 2002, I disclosed the invention to Advent Product Development, Inc. for the purposes of developing, patenting, and marketing the invention. See Testimonial of Invention, attached as Exhibit 2, and Statement of Confidentiality and Non-Disclosure, attached as Exhibit 3, both dated July 22, 2002.
4. A search of the invention was conducted on my behalf and the results of the search were set forth in a letter of September 17, 2002, from Matthew J. Peirce. See September 17, 2002 letter from Matthew J. Peirce, attached as Exhibit 4.
5. Disclosure Document No. 518548 was filed with the United States Patent and Trademark Office (USPTO) on my behalf on September 20, 2002. See Disclosure Document, attached as Exhibit 5.

6. On October 28, 2002, I entered into a formal Representation Agreement with Advent Product Development, Inc. for the patenting and marketing of the invention. See Representation Agreement of October 28, 2002, attached as Exhibit 6.

7. I was contacted by a patent attorney from the firm of Goldstein & Lavas, P.C. and entered into an engagement agreement with this firm on February 20, 2003, to prosecute a patent application for the invention. See letter of February 4, 2003, signed on February 20, 2003, attached as Exhibit 7.

8. Following my engaging the Goldstein & Lavas firm, attorney Richard Goldstein began the preparation of a patent application for the invention. This preparation included the drafting of the specification and claims to the application and engaging a draftsman to prepare the necessary drawings for the application. I received the application for an initial review in August, 2003. I executed the final application on September 24, 2003, and it was filed on October 14, 2003. The application is S.N. 10/685,357.

9. This factual history confirms that I conceived the invention in June, 2002 and that I was diligent in obtaining patent protection, through my good faith engagement with Advent Product Development and attorney Richard Goldstein, all of which led to the filing of application S.N. 10/685,357 on October 14, 2003.

10. As a result, I claim priority of invention over Patent Application Publication U.S. 2005/0039768 applied for by Winckels, which has a provisional application filing date of August 11, 2003. The herein Declaration and attached Exhibits establish invention of the subject matter of my 10/685,357 application well prior to the effective date of the Winckels' patent application publication.

11. By Office Action dated July 5, 2005, all eleven claims in my 10/685,357 application were rejected under 35 U.S.C. 103(a). The base reference used in all the rejections is the Winckels patent application publication, carrying a provisional application filing date of August 11, 2003. The priority of the invention overcomes this prior art and invalidates the rejection.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

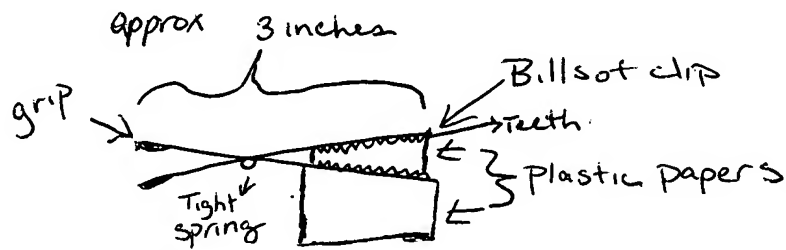


Michele Nathaniel

Dated: 8/2/05

It is a clip with plastic paper attached to it.

It's purpose is to protect the ends of the hair from over processing. It also allows for perfect color retouch applications.



For example, on a retouch color service you would clip the clip at the retouch separation line (where the already processed and virgin hair meet). The <sup>Plastic</sup> ~~paper~~ covers the already processed hair, while you paint the product on the new growth.

Another plus is the teeth on the clip keeps the hair in place.

*Theresa Thamel's invention*  
6/27/02



## TESTIMONIAL OF INVENTION

This Testimonial of Invention form is an important record of your invention. It is a part of your evidence of conception. After you have completed the drawings and description, have two persons who fully understand your invention witness and date this form in the space below.

### To Whom It May Concern

BE IT KNOWN THAT MR ☐ MRS ☒ MS ☒ Michele Nathaniel

CURRENTLY RESIDING AT 1428 So. 21<sup>st</sup> Str.

CITY Phila STATE PA ZIP 19146

TELEPHONE (215) 336-3901 BUSINESS (215) 895-3422

HAS CONCEIVED THE INVENTION DESCRIBED AND ILLUSTRATED IN THIS TESTIMONIAL FORM

NAMED AS R.T. CLIP

AND HAS THIS 22 DAY OF July 20 02 DISCLOSED TO US THIS INVENTION AND WE FULLY UNDERSTAND ITS CONSTRUCTION AND USE.

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_

\*\*\*\*\*

DATE OF ORIGINAL CONCEPTION \_\_\_\_\_

DATE FIRST DISCLOSED TO OTHERS \_\_\_\_\_

IS THIS INVENTION PATENTED ? \_\_\_\_\_ IF YES, GIVE DATE OF ISSUE \_\_\_\_\_

IF UNPATENTED HAS A PATENT SEARCH BEEN CONDUCTED ? \_\_\_\_\_

DO YOU HAVE A WORKING MODEL OR PROTOTYPE ? \_\_\_\_\_

DO YOU HAVE ANY MOLDS / DIES OR OTHER TOOLS REGARDING YOUR INVENTION ? \_\_\_\_\_

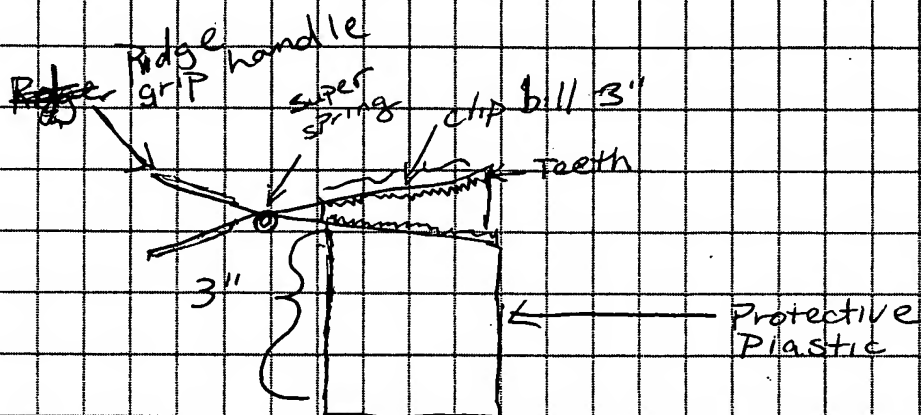
IF YES, EXPLAIN \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SKETCH OF INVENTION

To the best of your ability, sketch your invention or attach a photograph if it depicts your idea accurately.  
Please be sure to label parts or components.



In your own words, please answer the following questions. Attach other written material if needed. Please print clearly.

1. Describe the idea: The clip is attached at the demarcation line (where the new growth meets the already treated hair), with the protection plastic covering the ends.

2. Describe how it works: After the plastic is protecting the already treated hair, you start treating the new growth with the chemical. (Relaxer or color) only use a half an inch of hair in each clip. The whole head must be clipped before ~~used~~ chemical is applied

3. Dimensions and Characteristics

A) Shape small scissors

B) Measurements... Height or Length +/- approx 3" Width +/- Approx  $\frac{1}{2}$ "  
Depth +/- \_\_\_\_\_ Circumference (if circular) \_\_\_\_\_

C) Materials Needed \_\_\_\_\_

4. What problem does this idea solve? hair breakage / spotty hair coloring hair damage / cuts down the time for a hair stylist to perform a chemical service

5. What features make this idea unique and appealing to the end user?

It has protective plastic to keep hair healthy and strong. Protects the customers ~~and~~ <sup>hair</sup> and guarantees perfect hair color.

6. What specific groups of people would use this invention?

Women and men who get their hair done by with a chemical service

7. How did you develop this idea? I was praying and god gave it to me. Also I am in the hair care field.

8. Are you aware of any products that are similar to this idea? A regular clip, that clips hair out the way.

9. Additional Comments \_\_\_\_\_  
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**DECLARATION**

I, Michele Nathaniel, being duly  
(Print Name)  
sworn upon oath, depose and state that I believe myself to be the original, first  
and sole inventor of the device described herein, and that all dates and  
statements made in this document are true to the best of my knowledge and  
belief.

  
Signature

State of Pennsylvania County of U.S.A.

Sworn and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

20 \_\_\_\_\_

Notary Public \_\_\_\_\_ Seal





ADVENT  
PRODUCT  
DEVELOPMENT

## STATEMENT OF CONFIDENTIALITY AND NON-DISCLOSURE

Name MICHELE NATHANIEL  
Address 4012 MARKET ST.  
City PHILADELPHIA State PA. Zip 19104  
Telephone 215-336-3901 Work 215-895-3423

You have contacted Advent Product Development, Inc. to discuss your product / concept called:

RT CLIP

APD its successors, employees, officers, affiliated consultants, and agents, *respect the confidentiality of all products or product concepts presented to it for a preliminary assessment. We hereby agree that your product / concept shall not be used, sold, assigned, or disclosed to any other person, organization, or corporation without your prior written permission.*

APD requests that you retain possession of any working models or prototypes, and provide us only with photos, blueprints, or drawings of same, if available.

**PLEASE TREAT YOUR PRODUCT / CONCEPT IN A CONFIDENTIAL MANNER TO AVOID LOSING ANY POTENTIAL RIGHTS YOU MAY HAVE.**

APD can assist you in seeking patent, trademark, or copyright counseling.

APD may help you test market your product. Our purpose is to present your product via television, or print media to consumers and/or industry in a professional and favorable way.

The advertising and marketing of any new product is a difficult and uncertain process. APD cannot promise you profits or predict consumer response or success.

Signed this 22ND day of JULY, 2002

X [Signature]  
PRODUCT DEVELOPER

X [Signature]  
APD REPRESENTATIVE

**Matthew J. Peirce, LLC**  
**330 South 3<sup>rd</sup> St. #1005**  
**Las Vegas, NV 89101**

Matthew J. Peirce, Esq.\*

Phone: (702) 366-9990  
Facsimile: (702) 366-9991

\*Registered Before the U.S. Patent  
and Trademark Office

September 17, 2002

Michele Nathaniel  
1428 South 21<sup>st</sup> Street  
Philadelphia, PA 19146

Re: Legal Protection Report  
Invention: "R.T. Clip"  
Case No.: 14657

Dear Ms. Nathaniel,

Pursuant to your request, this legal protection report and novelty search for the above-identified invention has been conducted through the available official files and records of the United States Patent and Trademark Office. We have been informed by Advent Product Development that you are contemplating engaging them to market and submit your invention to industry in an attempt to secure a licensing agreement. With this information in mind, and pursuant to your request, this report will outline for you the most efficient manner in which you can obtain the greatest available protection for your invention so that marketing may commence as soon as possible.

**DESCRIPTION OF THE INVENTION**

The intent of this research was to locate issued United States patents disclosing the concept as described in your provided disclosure. Additionally, to a reasonable extent, the search was expanded to encompass other possible modifications and enhancements to both the functional and ornamental features of the invention, thereby hopefully providing a broad indication of the current state of the art.

### OBJECTIVE OF THE SEARCH

The objective of any patent novelty search is to discover issued "prior art" United States patents which are similar to the invention being investigated so that a judgment can be made as to the potential for obtaining patent protection. Basically, there are three main types of patents, i.e. utility patents, provisional patents, and design patents.

A **utility patent** protects the function (i.e., *how it works and how it is used*) of an invention and is normally pursued in those instances where it is desired to protect how the invention operates. A utility patent can be issued to any person who invents a new, useful, and non-obvious (1) process, (2) machine, (3) manufactured article, (4) composition of matter, or (5) any new and useful improvement to any of these types of inventions.

A **provisional patent** should be thought of as a temporary utility patent application in that it must be "converted" into a standard utility patent application within one year following the provisional filing. Once converted, the utility patent application receives the benefit of the earlier provisional filing date. In addition, during the pendency of the provisional patent application, the product is deemed and may be labeled "patent pending". Accordingly, the filing of a provisional patent is often recommended since it provides an additional one year "safety period" to pursue and market the invention. At the end of this one year period, all refinements and improvements which have been made to the invention should be integrated into the converted application.

A **design patent** is strictly directed to protecting the overall appearance (i.e., *how it looks*) of an invention. It can be granted for a new, original and ornamental design for an article of manufacture.

### PATENTS DISCOVERED DURING THE SEARCH

I enclose herewith copies of the following United States patents which were discovered during the search and which appear to be similar or at least relevant to the functional and/or design features of your invention:

- (1) U.S. Patent No. 3,861,405  
Inventor(s): Pellecchia
- (2) U.S. Patent No. 4,398,549  
Inventor(s): Thomas
- (3) U.S. Patent No. 4,830,030  
Inventor(s): Busch

#### METHOD OF ANALYZING THE PRIOR ART PATENTS

In attempting to reach a decision regarding the potential patentability of a new invention, it is initially necessary to compare the invention to other inventions, which have already been patented, such as the inventions disclosed in the "prior art" patents listed above. The typical procedure is to look for differences in (1) structure (or composition if a chemical invention), (2) function, and (3) overall appearance. Structural and functional differences are important considerations in determining whether or not to pursue utility patent protection. A comparison of the overall appearance of the invention with respect to the prior art patents is important if design patent protection is being considered.

Structural considerations involve looking at how an invention actually works, how it is put together, what different types of parts (or ingredients) are used in its construction, and how these structural features differ from what is shown in the prior art patents. Functional considerations involve looking at what an invention does and accomplishes, i.e., what problem does it solve and does it solve the problem in a manner differently from any similar invention shown in the prior art patents.

Overall appearance involves looking at the prior art patents and subjectively deciding whether or not the searched invention has an "overall appearance" which is substantially different. If a significant difference does exist, design patent protection may be available for the invention.

There are other considerations. For example, even if no single prior art patent discloses enough information to eliminate the possibility of obtaining either utility or design

patent protection, it is still necessary to consider those situations in which the U.S. Patent and Trademark Office may attempt to "combine" the information shown in two or more patents to "build" the invention at issue. More specifically, where no single prior art patent discovered during a patentability search discloses the functional subject matter or appearance of an invention, a government patent examiner will frequently argue that someone with ordinary skill in the art is already in possession of the cumulative information and knowledge shown in two or more patents, and that this person would then know how to combine the knowledge of these several prior art patents so as to make the searched invention "obvious" and therefore unpatentable. Hopefully, this discussion should provide you with a basic understanding of how the above listed patents have been reviewed, and I invite you to discuss this search further by telephone with me if you so desire.

#### REVIEW OF THE PRIOR ART PATENTS AND RECOMMENDATION

A summary of my review of the prior art patents discovered during the search is provided as follows:

Several references uncovered in the search show various hair treating devices. U.S. Patent No. 4,830,030 to Busch appears to show a hair clip assembly comprised of clamping jaws suited to hold freshly dyed hair on a curler until the dye has fixed. U.S. Patent No. 3,861,405 to Pellecchia appears to show a hair dressing and isolating device comprised of two biased jaws for use in frosting or straightening hair. U.S. Patent No. 4,398,549 to Thomas appears to show a device for spacing during frosting and is provided for general interest in the art.

None of the references uncovered in the search, however, appear to disclose a similar construction for a hair clamp with jaws having teeth as described for use in treating hair as described. The filing of a utility patent is thus, in my opinion, the best step available to protect your invention so that public disclosures (such as marketing the product to industry as you contemplate) may commence.

As the result of any analysis of prior art patents discovered during a novelty search, it should be understood that the basic concept of a searched invention may be generally

known. Additionally, I have explained how various suggested or illustrated features of a searched invention may be individually disclosed in one or more prior art patent references discovered during a search. However, in the present case, no single patent reference discloses all of the features of your invention. Since virtually every invention is essentially a combination of inventions, which are already known, the issue is whether a government patent examiner will eventually attempt to combine the teachings and features from the various prior art patent references so as to allege that your invention is obvious and therefore unpatentable.

#### SEARCH LIMITATIONS

I believe that it is important for you to understand the manner in which this search has been conducted so as to provide you with a better understanding of the strengths and weaknesses of every novelty search.

Initially, a novelty search is not an absolute measure of patentability and there can never be a guarantee that such a search is complete. This fact exists inasmuch as the United States patent system presently includes more than six million issued United States patents. These patents are arranged into broad mechanical, electrical, chemical and design categories which are then further subdivided into classes and subclasses covering different areas of technology, resulting in each patent being potentially classified and cross-classified within one or more of approximately 135,000 different technology classification areas. More than fourteen hundred government patent examiners are involved in the classification process, and their opinions vary widely as to prior areas of classification for patents.

This search was conducted by a professional patent searcher employed exclusively by this law firm who initially decided which classes and subclasses were relevant to the subject matter of your invention, thus allowing him to determine the pertinent search areas, and he then compared the patents classified in those search areas to your invention. Usually, a patent search involves a very detailed analysis to arrive at the proper classification area for the search and frequently necessitates the review of hundreds of patents before the search is

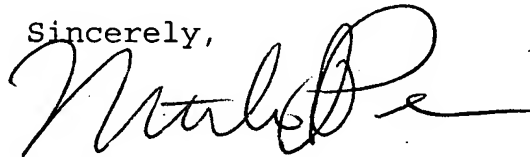
Michele Nathaniel  
September 17, 2002  
Page 6 of 6

completed. Any new patents issued after the date of the search, or not currently on file at the time of the search, will obviously not be detected. A patent issued after the search but having been filed as an application before the search can be used by a patent examiner as prior art.

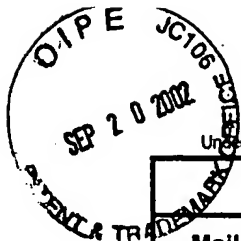
As can now be appreciated, it is exceedingly difficult to be more than reasonably certain that the most pertinent patent art has been located. The search is limited by the human error factor, the possibility of missing patent references, and the considerations of time and expense. Accordingly, while a reasonable effort has been made to assure the reliability of the present search, no such search can be absolutely conclusive. Even in spite of these factors, these searches are generally reliable and often reveal prior art that establishes the non-patentability of an invention if such prior art should in fact exist.

If I can be of further service, please feel free to contact me via e-mail at [Attorneydude@aol.com](mailto:Attorneydude@aol.com).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew Peirce', with a stylized, flowing script.

Matthew Peirce  
Registered Patent Attorney  
Registration #41,245



Under the Paperwork Reduction Act of 1995, no persons are required to respond to

DISCLOSURE DOCUMENT NO.



518548

RETAINED FOR 2 YEARS

THIS IS NOT A PATENT APPLICATION

PTO-1652 (8/99)

1/95 (06-1999)  
MB 0651-0030  
F COMMERCE  
control number.

## Disclosure Document

Mail to:

Box DD  
Assistant Commissioner for Patents  
Washington, DC 20231

Inventor(s): MICHELE NATHANIEL

Title of Invention: RT CLIP (RETOUCH CLIP)

Enclosed is a disclosure of the above-titled invention consisting of \_\_\_\_\_ sheets of description and \_\_\_\_\_ sheets of drawings. A check or money order in the amount of \_\_\_\_\_ is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

Michele Nathaniel  
Signature of Inventor

MICHELE NATHANIEL

Typed or printed name

8/2/02

Date

4012 MARKET ST.  
Address

PHILADELPHIA, PA. 19104

City, State, Zip

### NOTICE TO INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

Your Disclosure Document will be retained for two years after the date it was received by the Patent and Trademark Office (PTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a letter of transmittal in a new patent application or by a separate letter filed in a pending application. Unless it is desired to have the PTO retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his/her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the PTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20402. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which have collections of patents and patent-related reference materials available to the public, including automated access to PTO databases. Publications such as *General Information Concerning Patents* are available at the PTDLs, as well as the PTO's Web site at [www.uspto.gov](http://www.uspto.gov). To find out the location of the PTDL closest to you, please consult the complete listing of all PTDLs that appears on the PTO's Web site or in every issue of the Official Gazette, or call the PTO's General Information Services at 800-PTO-9199 (800-786-9199) or 703-308-HELP (703-308-4357). To ensure assistance from a PTDL staff member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours.

**Burden Hour Statement:** This collection of information is used by the public to file (and by the PTO to process) Disclosure Document Deposit Requests. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed Disclosure Document Deposit Request to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C., 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.





## DISCLOSURE DOCUMENT RECEIPT NOTICE

Receipt of your Disclosure Document and Government fee of \$10 is acknowledged. The date of receipt and the Disclosure Document Identification number are indicated on this notice. This date and number should be referred to in all communication related to this Disclosure Document.

## NOTICE TO INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

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You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

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Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

**ADVENT PRODUCT DEVELOPMENT, INC.  
REPRESENTATION AGREEMENT**

This Agreement made this 28<sup>ND</sup> day of OCTOBER, 2002, between ADVENT PRODUCT DEVELOPMENT INC., hereinafter called "APD" or "Company", and Inventor/Client, hereinafter called "Client".

Client MICHELE NATHANIEL

Street Address 4012 MARKET STREET

City PHILADELPHIA State PA. Zip Code 19104

This Agreement regards the Client's new invention, product or idea, hereafter referred to as RTCLIP

Company is engaged in the business of assisting inventors in presenting inventions, products or ideas to industry. Client desires to retain the Company to submit to industry one of Client's ideas/inventions/products, using Company's marketing strategy program. In order to secure the Company's services as outlined in this Agreement, Client agrees to pay the sum of \$ 9240.00 in advance to APD. This amount shall be considered full and complete payment for all services listed in this agreement.

In consideration of the mutual promises contained herein, it is mutually agreed as follows:

1. APD will provide the following services to the Client:

A) Preparation of a Presentation Brochure, which shall include a CAD graphic drawing, patent status, description of benefits and features, and suggested market targets.

B) Initial contact with companies, including manufacturers, marketers, distributors, retailers, sales representatives, venture groups or other agents with whom we make contact and/or who contact us through our business associations, mailings, publicity, advertising, internet site, attendance at trade shows or business meetings.

C) APD will prepare publicity releases announcing the availability of the idea, invention or product, and send said release to magazines, trade

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LK 11/10/02

publications or newspapers which it deems suitable, so that the publications may, if they choose, publish said release.

D) APD will submit drafts of descriptive material to Client for approval and/or revision prior to printing (Client understands that his/her approval of descriptive materials is required prior to printing in order to insure that said material accurately and completely articulates Client's invention).

E) APD will use Standard Industrial Classification (SIC) coding for the purpose of matching Client's idea, invention or product with companies who are listed in the APD DATA BASE. Such companies will receive a copy of Client's Presentation Brochure for their review and evaluation.

F) If a company or person to whom a Presentation Brochure has been submitted shows additional interest, APD may, at its discretion, perform additional services, either independently or through outside resources. APD, may also at its discretion, prepare or have prepared with the involvement of Client, additional design information, graphics or other materials. It is understood that APD is not required to provide any of the services enumerated in this subparagraph, but may do so if in its sole discretion such services may be useful in attempting to generate additional interest once preliminary interest has been expressed by a company or companies.

G) APD will prepare and display the Client's idea, concept or product at one or more national trade shows.

**2. *Appointment as Client's Agent:*** Client understands that he/she has the absolute right to select any Patent Attorney to perform the legal services identified below. However, understanding that certain attorneys have expressed to APD a willingness to provide the legal services listed below at substantially reduced rates for inventors who have been specifically referred by APD, Client hereby elects to forgo the option of engaging other legal counsel and specifically designates APD as its authorized agent and fiduciary, and authorizes APD to select and engage one or more registered Patent Attorneys to:

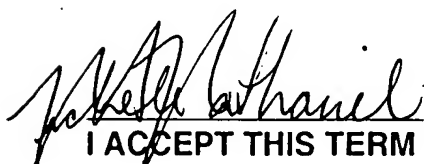
A) prepare and file one utility or provisional or design patent application or trademark application relating to Client's idea and/or product (hereinafter referred to as Invention) in the United States Patent and Trademark Office. All provisional patent application filings will be converted into and filed as a utility patent application within one year at no additional cost to client.

B) handle all required processing of the patent or trademark application, including the preparation and filing of any required application preliminary and final drawings, preparation of any Office Action amendments, and the conducting of Patent Examiner interviews, through and including a final

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determination of patentability of said application by the U.S. Patent and Trademark Office Examiner. APD agrees to pay all required Patent Office application filing fees necessary to obtain "Patent Pending" or "Trademark Pending" status.

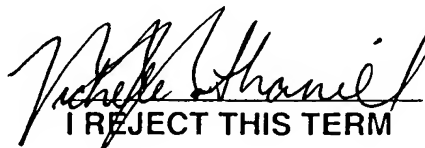
C) The sum which will be held by APD as Client's duly authorized agent and fiduciary, and paid by APD to the patent attorney for the above legal services will be a minimum of \$1400. Any additional legal fees incurred in the handling of the patent or trademark application will be paid by APD directly to the patent attorney.

  
I ACCEPT THIS TERM

\_\_\_\_\_  
I REJECT THIS TERM

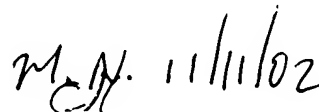
3. *Option to engage other legal counsel:* Client chooses to instead engage his/her own Patent Attorney, at his/her sole expense, to prepare and file a patent or trademark application on Client's behalf, and to handle the processing of said application (including preparation of preliminary and final drawings, amendments, Patent Examiner interviews, and the conversion of provisional patent applications, if applicable). Client specifically relieves APD from any responsibility relating thereto, and acknowledges that the only services to be provided by APD shall be those enumerated in paragraph 1(a) through (g).

\_\_\_\_\_  
I ACCEPT THIS TERM

  
I REJECT THIS TERM

4. *Client's Statement of Good Faith:* Client understands that APD's representation of Client is based upon Client's honest representation and declaration that he/she is the original, first and true inventor(s) of all subject matter relating to the invention, and that the invention may be protected either by a utility patent, which may be granted by the Government for a new and useful improvement thereof, or by a design patent, which may be granted by the Government to protect a new, original and ornamental design of an article of manufacture or by a trademark.

5. *Legal Advice provided only by a Patent Attorney:* APD, acting on behalf of the Client, will assist the Patent Attorney by preparing and delivering any supporting and filing documentation deemed necessary or advisable by the Patent Attorney, provided such assistance does not constitute the practice of patent law by APD. However, Client understands that decisions regarding the type of patent application to be filed on Client's behalf, as defined above, and the content and

  
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filing of any response to Office Actions issued by the Patent Office shall be the sole and exclusive responsibilities of the Client working together with his/her Patent Attorney.

6. Client understands that, if a patent should issue on Client's invention, he/she will be obligated for the payment of the patent issue fee directly to the U.S. Patent & Trademark Office upon allowance of Patent (approx. \$225 for design patent - \$595 for utility patent).

7. **APD and Attorney Interface:** As part of APD's role and responsibility as Client's authorized agent, Client hereby directs APD to receive all communications directly from his/her Patent Attorney and to forward such communications to Client, to receive from and furnish to Client's Patent Attorney all documents and information relative to Client's invention and the patent application process, and to serve as an intermediary between Client and Client's Patent Attorney to the fullest extent ethically possible.

8. **Client Assistance in Patent or Trademark Process:** Client acknowledges that frequently an idea or invention submitted to APD is basic in functional concept and/or design and may require improved description, illustration, modification and/or refinement for proper presentation in the patent application filed in the U.S. Patent and Trademark Office and, inasmuch as APD is expending substantial funds and effort in working with a Client's Patent Attorney on Client's behalf, Client agrees to diligently respond to any request for assistance and/or required information necessary to refine, modify, better illustrate, better describe and/or otherwise improve Client's Invention if, in the opinion of the Patent Attorney, such refinement or improvement or better illustration/description is advisable and/or required to facilitate the achieving of patent protection for Client.

9. **APD cannot be a Co-Inventor:** Client further understands that any assistance in modifying, improving, illustrating or refining the Invention by APD is limited to marketing consideration and cannot be used to vary the inventive concept or appearance of the Invention whereby it could appear or be alleged that APD has become or could be construed as a co-inventor of the Invention. Client is, under all circumstances, the **SOLE OWNER** of the patent or trademark.

10. Client understands that APD does not participate in the actual legal activity associated with the seeking of patent or trademark protection and cannot guarantee the extent and/or scope of protection offered by any patents or trademarks which are eventually obtained for Client by said Patent Attorney. Client further understands that only the U.S. Patent and Trademark Office can officially determine if a patent or trademark will be granted.

11. This Agreement shall remain in effect for a period of twenty-four (24) months from the date of this Agreement, during which time Client agrees that APD shall have the exclusive right to submit the new idea, invention, or product, which is the subject of this Agreement, for the sole purpose of reviewing interest

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including the right to use designs, models, patents issued and pending, copyrights, trademarks, promotional literature, and any and all other materials relating thereto now in the possession of Client or which may hereafter be developed by Client or APD.

12. Client further agrees that Company during said twenty-four (24) month period shall have the exclusive right to negotiate and execute contracts on Client's behalf for the sale or licensing of the new idea, invention, or product. Company shall submit any contract involving the invention to Client before executing on Client's behalf, and Client shall have the right to accept, reject or modify any such contract negotiated on his or her behalf before it has been executed by Company.

13. Client shall not be obligated for any costs of APD administrative, telephone, office expense, secretarial services or any other expenses incidental to its representation of Client's idea.

14. You have until seven (7) business days from the day you have signed this contract to rescind and cancel this contract. If you exercise this right to cancel, all payments made to company will be refunded to you. This right is in addition to any other legal remedies you may have.

15. Client agrees that the number and selection of companies contacted are to be at the discretion of APD. Nothing in this Agreement shall be construed as a representation, inducement, promise or guarantee that APD will obtain any results, sales or licensing agreements for Client. APD agrees to use its best efforts to submit the Client's idea invention or product in the form of the Presentation Brochure to companies for their review. Client is aware, however, that the advertising and marketing of any new product is an extremely difficult and uncertain process.

16. After the termination of this Agreement, Client may use all of APD's literature, drawings, brochures and any and all other material supplied by APD to Client during the course of this Agreement to contact companies on Client's own behalf or through other agents.

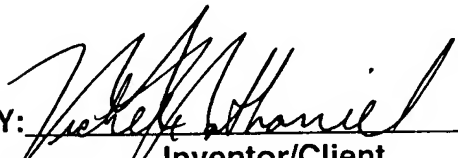
17. Pursuant to the terms of this agreement, APD will submit Client's invention to industry. If a manufacturer/company shows interest, and if a Licensing Agreement results, then Company shall receive twenty percent (20%) of all royalties paid to client; or if a sale results, twenty percent (20%) of the net sales price paid to Client. In the event that any contacts made by Company or introduced to Client by Company during the term of this agreement, leads to royalties or a sale for Client, then Company shall be compensated as stated above. Company, however, shall not be entitled to any compensation if the licensee or purchaser shall be discovered or located solely by the effort of Client during or after the termination of this contract.

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18. In the event that any royalties are earned by Client, or if a sale is made, Client shall first be refunded from funds received from royalties or sales, all monies paid to Company before Company shall receive any compensation pursuant to paragraph 17 above.

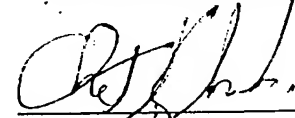
19. This Agreement shall be governed by and interpreted according to the laws of the State of South Carolina.

In witness whereof, the parties hereto intending to be legally bound hereby have executed this Agreement, the day and year first above written.

BY:   
Inventor/Client  
MICHELE NATHANIEL

BY: \_\_\_\_\_  
Co-inventor/Client

WITNESSED BY APD:

  
Agent  
CHET KRUKOWSKI

Authorized Company Acceptance \_\_\_\_\_  
Signature

Date of Execution \_\_\_\_\_

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# ADVENT PRODUCT DEVELOPMENT INC.

## INTERNET SERVICE AGREEMENT

This Agreement made this 28<sup>ND</sup> day of OCTOBER, 2002, between ADVENT PRODUCT DEVELOPMENT INC., hereinafter called "APD" or "Company", and Inventor/Client, hereinafter called "Client".

Client MICHELE NATHANIEL  
Street Address 4012 MARKET STREET  
City PHILADELPHIA State PA. Zip Code 19104

This Agreement regards the Client's new invention, product or idea, hereafter referred to as RTCLP

Company is engaged in the business of assisting inventors in presenting inventions, products or ideas to industry. Client desires to retain the Company to submit to industry one of Client's ideas/inventions/products, using Company's marketing strategy program. In order to secure the Company's services as outlined in this Agreement, Client agrees to pay the sum of \$INLUDED in advance to APD. This amount shall be considered full and complete payment for all services listed in this agreement.

In consideration of the mutual promises contained herein, it is mutually agreed as follows:

1. APD will provide the following services to the Client:

a) APD will create and establish an "Inventor's Home Page" for the invention, product or idea, for the purpose of display on the Internet.

b) This "Inventor's Home page" will depict the invention, product, or idea in a conceptual format, thus highlighting the invention's features and benefits in an attempt to generate interest among visitors to the website located at [HTTP//www.adventproduct.net](http://www.adventproduct.net)

c) The home page will be displayed at the "adventproduct.net" site on the world wide web. The display will commence within 60 days of obtaining patent pending status on the invention and/or 30 days after APD receives final approval of the "Inventor's Home Page" from Client. The display will continue for a period of one (1) year.

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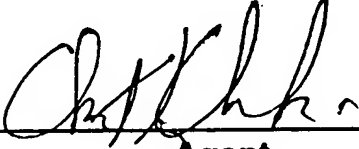
d) APD, during the one year period, will service and maintain said "Inventor's Home Page", reporting all inquiries to Client on a timely basis.


2. You have until seven (7) business days from the day you have signed this contract to rescind and cancel this contract. If you exercise this right to cancel, all payments made to company will be refunded to you. This right is in addition to any other legal remedies you may have.

3. This Agreement shall be governed by and interpreted according to the laws of the State of South Carolina.

In witness whereof, the parties hereto intending to be legally bound hereby have executed this Agreement, the day and year first above written.

WITNESSED BY APD:

  
\_\_\_\_\_  
Agent  
CHET KRUKOWSKI

BY:   
\_\_\_\_\_  
Inventor/Client  
MICHELE NATHANIEL

BY: \_\_\_\_\_  
Co-inventor/Client

Authorized Company Acceptance \_\_\_\_\_

Signature

Date of Execution \_\_\_\_\_

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GOLDSTEIN & LAVAS, P.C.  
PATENTS • TRADEMARKS • COPYRIGHTS

February 4, 2003

Michele Nathaniel  
1428 South 21<sup>st</sup> Street  
Philadelphia, PA 19146

ADVENT'S CLIENT NO.: 14657  
INVENTION: R.T. Clip

Dear Ms. Nathaniel,

You have been referred to this law firm by Advent Product Development, Inc. ("APD") because we practice primarily in the area of intellectual property law and can provide you with legal counsel and assistance regarding your efforts to obtain patent protection for your invention. As you know, you have the absolute right to select any other firm or attorney to assist you in this matter. Therefore, before we begin work on your case, it is important that you are aware of and agree to the terms of our representation.

1. It is our understanding that after having a patent search performed to your satisfaction and being advised of the options available to you, you have made an informed decision to seek a utility patent. We understand that you have been fully advised regarding the differences between a utility and design patent — specifically that a utility patent protects the function of an invention or how it works, and a design patent protects the appearance of an invention or how it looks. If you have any questions about the differences defined herein, it is important that you contact us to discuss them. However, if all of your questions have been answered to your satisfaction, then we will be happy to assist you in seeking a United States utility patent for your invention.
2. You have been referred to us because we have a long history of successfully prosecuting patent applications for other inventors represented and referred to us by Advent Product Development in the past. In this regard we have an ongoing relationship with Advent. However, if you choose to have us represent you, you will be our client, not APD. But, since you are the Client, the choice of legal counsel rests squarely with you.
3. You must keep us informed about your current mailing address and daytime telephone numbers. Once we receive a final decision by the Patent Office Examiner assigned to your case, we will need to contact you. This may

easily take a year or longer after your patent application is filed. Keep in mind that if we are unable to contact you, it may result in abandonment of your patent application. Accordingly, if you move during that time, or otherwise change mailing addresses, please notify our office so that your file can be updated with a current mailing address. In the meantime, we will take any steps we believe to be helpful or necessary in our effort to secure your patent. However if you wish to receive a status update, feel free to call our office at any time.

4. You have a right to require that we keep all information about your invention and application for patent confidential. However, it is our understanding that you wish to have us keep Advent Product Development informed about the status of your patent application, and that you:

- a. Have designated APD as your agent;
- b. Have authorized APD to engage legal counsel on your behalf to prepare, file and prosecute to completion a utility patent application regarding your invention;
- c. Have authorized APD to receive all documents, information and communications from us regarding your invention and patent application;
- d. Have authorized APD to serve as an intermediary between you and us to the fullest extent ethically possible.

In addition:

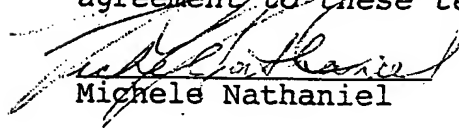
1. It is our understanding that you have made an agreement with APD and have deposited certain funds with APD to cover our anticipated legal fees in seeking your patent, which will be paid to us by APD on your behalf. We will accept payment from APD on your behalf if, when and as such legal services are rendered. As we believe they have agreed with you, they will pay all typical and ordinary costs and attorney's fees directly related to our seeking a patent on your behalf, up to a final determination of patentability by the Examiner at the Patent Office who will be assigned to your case. If you choose to have us perform additional work beyond that point, it will be at your option, and at your expense. In addition, you agree that any question about whether any expense or cost will or will not be paid by APD is pursuant to your agreement with APD, and must remain between you and APD. However, we agree not to perform any service which we believe would be your responsibility, without your prior consent.

2. You understand that no one can guarantee that you will ultimately receive the patent that you are seeking (or the scope of protection any patent you receive will provide). Only the Patent Office can ultimately decide whether to grant a patent on your invention. Further, pending patent applications, including both your patent application and those filed by other inventors, are generally maintained in secrecy by the Patent Office. In this respect, even if you have had a patent search performed which seems positive, it is still not a guarantee that the Patent Office review will be favorable. However, we agree to exercise our professional judgment to do all we believe to be helpful or necessary in my attempt to secure your patent.
3. Advent typically provides us with the drawings and description that you have already provided to them. If we believe further information or details are necessary, we will contact you directly. Otherwise, we will prepare your patent application using the information that they send to us. Further, once we finish drafting the patent application, which in most cases takes 4-6 months, we will send it to you for your approval & signature.
4. Finally, please remember that all questions related to patents and your patent application must be directed to us - not to APD. In addition, the scope of our representation of you is limited to seeking a patent on your behalf. Any business or marketing matters or matters concerning your contract or agreement with APD must remain between you and APD.

If you have questions regarding this or any other aspect of our representation of you, do not hesitate to call. We are available to assist you.

***I have read, understand, and agree to the above terms of representation:***

Please promptly sign and return the full original letter to us. We cannot begin working on your case until you return a signed copy of this letter to us, authorizing us to represent you, and acknowledging that you understand and are in agreement to these terms.

  
Michele Nathaniel

2/20/03  
Date

# Schedule of Representation Services

On behalf of all of us at Advent Product Development, I'd like to take this opportunity to welcome you as a client of A.P.D. Due to the complexity of writing patent applications, the following can only be used as an Approximate Timetable of events, which will help keep you abreast of the services being performed on your invention.

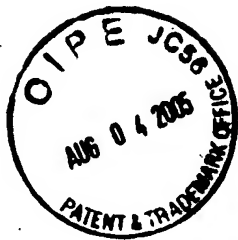
*A quarter represents a three (3) month period.*

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First & Second Quarter (approx time span of 6 mo.)	<ul style="list-style-type: none"><li>• Establish client confidential file.</li><li>• Send signed copy of Representation Agreement to client with welcome letter.</li><li>• Assign Standard Industrial Classification codes.</li><li>• Welcome call from Customer Service Department</li><li>• Prepare and mail to client, Draft of Graphic Illustration of Invention for use in future Presentation Brochure.</li><li>• Prepare and mail approved drawing and all necessary information to Patent Attorneys.</li><li>• Attorneys prepare and mail to client U.S. Patent Application for signature.</li><li>• Client signs all necessary Patent application forms for submission to the U.S. Patent and Trademark Office in Washington, D.C.</li></ul>
Third & Fourth Quarter (approx time span of 6 mo.)	<ul style="list-style-type: none"><li>• U.S. Patent Office acknowledges receipt of application (<i>Invention receives Patent Pending status</i>).</li><li>• Courtesy call from Customer Service Department, <u>approx</u> call cycle is every 30-45 days.</li><li>• Writing of the Presentation Brochure.</li><li>• Writing of the Publicity Release Copy.</li><li>• Draft copy of Presentation Brochure to client for approval. (<i>45 days after Bro. dept. rec. file</i>)</li><li>• Draft copy of Publicity Release to client for approval. (<i>60 days after Media dept.rec file</i>)</li><li>• Printing of <u>Approved</u> Presentation Brochure.</li><li>• Mailing of <u>Approved</u> Publicity Release to magazines, newspapers and trade journals.</li><li>• Licensing Agent is assigned to client &amp; mfg. research is completed.</li><li>• First contact with manufacturers. (<i>90 days after Lic. dept. rec. file</i>)</li><li>• Client notified by letter of results.</li></ul>
Fifth, Sixth, Seventh, & Eighth Quarter (approx time span of 12 mo.)	<ul style="list-style-type: none"><li>• Agent assigned to the client will continue contacting groups of manufacturers. These contacts will be scheduled by the Agent 3 - 4 times within the 12 mo. period.</li><li>• Client will be notified of results approximately every 3-4 months.</li><li>• Client will be represented at National Trade Shows when patent pending</li><li>• Quarterly reports mailed to client. (<i>reports are mailed every three months</i>)</li><li>• Notice from U.S. Patent Office on issuance of Patent. (approx. 18-30 months)</li><li>• Invention published nationally in "The Gazette" (U.S. publication).</li></ul>

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AFFIDAVIT

BOROUGH OF STATEN ISLAND :

ss.

STATE OF NEW YORK :

I, Richard W. Goldstein, of full age, being duly sworn according to law, upon his oath, deposes and says that:

1. I am an attorney duly registered to practice before the United States Patent and Trademark Office (USPTO).

2. In February, 2003, I was engaged by Michele Nathaniel to prepare and file a United States patent application directed to her invention, a hair clip assembly.

3. Beginning in the early spring of 2003, I began preparation of the application, including drafting the specification and claims and obtaining the requisite drawings. Preparation of the application was substantially completed upon receipt of the finalized drawings from the patent draftsman on July 31, 2003. The completed application was then sent to Ms. Nathaniel for her review and approval.

4. After receiving input from Ms. Nathaniel, the application was finalized for filing. Ms. Nathaniel executed the requisite Declaration and Power of Attorney, Verified Statement Claiming Small Entity Status, and Non-Publication Request on September 24, 2003. The application was filed on October 14, 2003 and has been identified by the USPTO as application Serial No. 10/685,357.

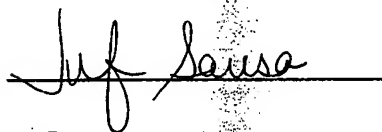
5. I thus affirm and acknowledge that following Ms. Nathaniel's engagement of my services, I was diligent in the preparation of application S.N. 10/685,357, which led to filing of the application in October, 2003.

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6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

  
Richard W. Goldstein

Sworn to and subscribed  
before me this 26<sup>th</sup> day  
of July, 2005.



Registration No - 01SA6027312

Expires - 7/12/2007

County of Richmond

